

**36.11.312 DEFINITIONS** Wherever used in this subchapter, unless a different meaning clearly appears from the context:

(1) "Alternative practices" means forest practices conducted in the SMZ that are different from the practices required by the standards provided in 77-5-303, MCA, and are approved by the department either by adoption of this subchapter or on a site-specific basis upon application of the operator.

(2) "Broadcast burning" means spreading fire through a continuous fuel cover. The fuels consist of slash resulting from forest practices, surface litter, and duff. Fuels are left in place, fairly uniform, and ignited under certain conditions with the intent to meet planned management objectives in the desired area.

(3) "Class 1 stream segment" means a portion of stream that supports fish; or a portion of stream that normally has surface flow during six months of the year or more; and that contributes surface flow to another stream, lake, or other body of water.

(4) "Class 2 stream segment" means a portion of stream that is not a class 1 or class 3 stream segment. Two common examples of class 2 stream segments are:

(a) A portion of stream which does not support fish; normally has surface flow during less than six months of the year; and contributes surface flow to another stream, lake, or other body of water; or

(b) A portion of stream that does not support fish; normally has surface flow during six months of the year or more; and does not contribute surface flow to another stream, lake, or other body of water.

(5) "Class 3 stream segment" means a portion of a stream that does not support fish; normally has surface flow during less than six months of the year; and rarely contributes surface flow to another stream, lake, or other body of water.

(6) "Clearcutting" means removal of all or virtually all the trees, large and small, in a stand in one cutting operation. Virtually all woody vegetation is removed from the site preparatory to establishment of new trees.

(7) "Construction" means cutting and filling of earthen material that results in a travel-way for wheeled vehicles.

(8) "Department," as defined at 77-5-302(2), MCA, means "the Department of Natural Resources and Conservation provided for in 2-15-3301, MCA."

(9) "Diameter at breast height" (abbreviated "dbh") means the diameter of a tree measured 4 1/2 feet from the ground level. Ground level is the highest point of the ground touching the stem.

(10) "Eastern zone" means the counties of Big Horn, Blaine, Carter, Chouteau, Custer, Daniels, Dawson, Fallon, Fergus, Garfield, Golden Valley, Hill, Liberty, McCone, Musselshell, Petroleum, Phillips, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Toole, Treasure, Valley, Wibaux, and Yellowstone.

(11) "Established road" means an existing access or haul route for highway vehicles that is passable under one or more of the following circumstances:

- (a) without any work;
- (b) with clearing of windfall or small woody vegetation;
- (c) with surface blading;
- (d) with replacement of stream crossing structures and drainage structures that were removed to restrict access; or
- (e) with removal of constructed access barriers.

(12) "Hazardous or toxic material" means substances which by their nature are dangerous to handle or dispose of, or are a potential environmental contaminant, and includes petroleum products, pesticides, herbicides, chemicals, and biological wastes.

(13) "Lake" means a body of water where the surface water is retained by either natural or artificial means, where the natural flow of water is substantially impeded, and which supports fish.

(14) "Landing" means a cleared area in the forest to which trees or logs are yarded or skidded for processing or loading onto trucks for transport.

(15) "Major", as used in the damage table in 36.11.313, means that the action disturbs the integrity of the SMZ and significantly diminishes two or more of the SMZ functions listed in 77-5-301(1)(a) through (f), MCA.

(16) "Minor", as used in the damage table in 36.11.313, means that the action disturbs the integrity of the SMZ but does not significantly diminish more than one of the SMZ functions listed in 77-5-301(1)(a) through (f), MCA.

(17) "Operator," as defined at 77-5-302(4), MCA, means "a person responsible for conducting forest practices. An operator may be the owner or a person who, through contractual agreement with the owner, is obligated to or entitled to conduct forest practices or carry out a timber sale."

(18) "Ordinary high water mark" means the stage regularly reached by a body of water at the peak of fluctuation in its water level. The ordinary high water mark is generally observable as a clear, natural line impressed on the bank. It may be indicated by such characteristics as terracing, changes in soil characteristics, destruction of vegetation, presence or absence of litter or debris, or other similar characteristics.

(19) "Other body of water" means ponds and reservoirs greater than 1/10th acre that do not support fish; and irrigation and drainage systems discharging directly into a stream, lake, pond, reservoir, or other surface water. Water bodies used solely for treating, transporting, or impounding pollutants shall not be considered surface water.

(20) "Owner," as defined at 77-5-302(5), MCA, means "an individual, firm, partnership, corporation, or association of any nature that holds an ownership interest in forest land or timber."

(21) "Prolonged", as used in the damage table in 36.11.313, means that the impacts to the functions of the SMZ or water quality will last longer than one growing season (generally more than one to two years).

(22) "Road" means a travel-way suitable for highway vehicles.

(23) "Salvage" means harvesting trees that have been killed or damaged or are in imminent danger of being killed or damaged by injurious agents other than competition between trees.

(24) "Sidecasting" means the act of moving excess earthen material over the side of a road during road maintenance operations.

(25) "Slash" means the woody debris that is dropped to the forest floor during forest practices. Timber slash consists of stems, branches, and twigs left behind after forest practices.

(26) "Slope distance" means the length of a line between two points on the land surface.

(27) "Stream", as defined at 77-5-302(7), MCA, means "a natural watercourse of perceptible extent that has a generally sandy or rocky bottom or definite banks and that confines and conducts continuously or intermittently flowing water."

(28) "Streamside management zone" or "zone" (abbreviated "SMZ"), as defined at 77-5-302(8), MCA, means "the stream, lake, or other body of water and an adjacent area of varying width where management practices that might affect wildlife habitat or water quality, fish, or other aquatic resources need to be modified. The streamside management zone encompasses a strip at least 50 feet wide on each side of a stream, lake, or other body of water, measured from the ordinary high-water mark, and extends beyond the high-water mark to include wetlands and areas that provide additional protection in zones with steep slopes or erosive soils."

(29) "Temporary", as used in the damage table in 36.11.313, means that the impacts to the functions of the SMZ or water quality will be negligible following one full growing season (generally less than one to two years).

(30) "Timber sale", as defined at 77-5-302(9), MCA, means "a series of forest practices designed to access, harvest, or regenerate trees on a defined land area for commercial purposes."

(31) "Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include marshes, swamps, bogs, and similar areas. (History: 77-5-303 and 77-5-307, MCA; IMP, 77-5-302, 77-5-303, 77-5-305, and 77-5-307, MCA; NEW, 1997 MAR p. 1992, Eff. 11/4/97; AMD, 2006 MAR p. 1883, Eff 7/28/06.)